



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

APR 02 2015

Mr. Rick Dowd  
Tribal Chairperson  
Resighini Rancheria  
Post Office Box 529  
Klamath, California 95548

RE: U.S. EPA Indian Environmental General Assistance Program (GAP) Grant

GA-00T77301-1

Application Due: MAY 07 2015

Dear Chairperson Dowd:

I am pleased to inform you that your grant proposal submitted to this office under the U.S. Environmental Protection Agency's Indian Environmental General Assistance Program (GAP) has been tentatively approved for funding. At this time, I am setting aside \$113,585 of funding to support your GAP for one year.

Resighini has not submitted GAP progress reports for the last five quarters, counter to the programmatic terms and conditions of the grant. The Council recently expressed concern about the overdue reports and indicated they would take actions to get them completed. We appreciate those concerns and efforts. However, please be aware **an award for FY 2016 cannot be made until the Tribe's reporting is brought current. Continued failure to submit these reports may result in a delay, reduction, or denial of the Tribe's FY 2016 award.**

At this time, we recommend Resighini move forward with the submission of an application so that we can act on it in the event reporting is brought up-to-date in time for EPA to award GAP funds to the Rancheria. Overdue progress reports must be provided by the application due date.

**Work plan submission, negotiation, and approval will be conducted electronically in GAP Online.** The comments attached here for your reference are also available in GAP Online. If we receive your complete application and an approvable, revised work plan by the due date we will make every effort to award the grant by October 1, 2015. If provided, this funding will support work plan activities from October 1, 2015 through September 30, 2016. Please do not incur any costs under this work plan until the official grant award document has been signed and dated by the EPA Award Official. Any costs incurred before the date of award will not be reimbursed.

This letter does not constitute a grant award. In order to receive funding, the Community will need to complete an Application for Federal Assistance (SF-424). **The complete application, including an approvable work plan, must be submitted for EPA review by the due date indicated above.**



Materials can be submitted earlier and will be processed on a first come, first served basis. Please note that in completing your application, you will need to enter the GAP Catalog of Federal Domestic Assistance Number (CFDA), required in box #11 on the SF-424A application form; the GAP CFDA number is 66.926.

**New Process for Submitting Your GAP Grant Application**

Effective February 17, 2015, EPA grant applicants must use Grants.gov to submit their applications. The Grants.gov registration process can take up to 30 days to complete. Therefore, it is highly recommended that EPA applicants complete their registration on Grants.gov now. Also, your organization's registration in SAM.gov must be active to utilize Grants.gov. If it appears that the grants.gov registration process may prevent you from submitting your application by the due date aforementioned, then please contact [Support@grants.gov](mailto:Support@grants.gov) or call 1-800-518-4726 as support is available 24 hours a day and 7 days a week. You should also notify your Project Officer before the application due date to request an extension.

Please review both Attachment 2 (Grants.gov Instructions Guide) and Attachment 3 (Region 9 Guidance Information for Applicants) or go to <http://www.epa.gov/region9/funding/information.html> to find additional resources on Grants.gov, Federal Regulations, and new EPA requirements. We suggest you forward these materials to your Project Manager, Financial Officer and any other personnel in your organization requiring this information.

I look forward to working with you and your staff under the General Assistance Program. Questions regarding completion of application forms should be referred to Vernese Gholson, Grants Management Specialist, at (415) 947-4200. You can also contact your GAP Project Officer, Tim Wilhite, at (530) 841-4577 if you have questions regarding this letter, the work plan or the General Assistance Program.

Sincerely,



Laura M. Ebbert  
Manager  
Tribal Program Office

Enclosures

1. Work Plan Comments
2. Grants.gov Instructions Guide
3. Region 9 Guidance Information for Applicants

cc: Dawn McCovey, EPA Director (with work plan comments)  
Donald Valenzuela, Administrator



## **GAP 2015-2016 Work Plan and Budget Comments**

### **Resighini Rancheria**

Thank you for developing an outcome-oriented work plan. The following observations and requests were written with the intent of strengthening the Rancheria's GAP work plan, identifying possible assistance, and ensuring the work plan meets GAP guidelines. These comments pertain to the 2015-2016 work plan that was submitted with your GAP proposal in GAP Online in December 2014. Some of the following information is for your general reference, and some is specific to the proposed work plan. Please ensure applicable comments are addressed in your final GAP work plan in GAP Online.

### **GENERAL DEFINITIONS AND REFERENCES**

1. The following references are useful for understanding GAP in general, for getting a feel for environmental outcomes, etc.
  - 2013 Guidance on the Award and Management of General Assistance Program Agreements and Appendix I, Guidebook for Building Tribal Environmental Program Capacity (<http://www.epa.gov/tribal/GAP-guidance-final.pdf>)
  - GAP Act (<http://www.epa.gov/Indian/pdfs/4368b.pdf>)
  - 2015 GAP Grant Notification (<http://www.epa.gov/region09/funding/tribal-gap.html>)
  - EPA Strategic Plan ([http://www2.epa.gov/sites/production/files/2014-09/documents/epa\\_strategic\\_plan\\_fy14-18.pdf](http://www2.epa.gov/sites/production/files/2014-09/documents/epa_strategic_plan_fy14-18.pdf))
2. Environmental outcomes should be expressed in terms of improvements to public health, the environment, or human behavior. They can also reflect improved tribal capacity to protect public health or the environment. Intermediate outcomes could reflect a) improved human health or environmental conditions, b) reduced risks to human health or the environment c) increased tribal capabilities in legal, enforcement, technical, communication, or administrative areas. Long-term outcomes could include attainment of desired environmental conditions (e.g., water quality standards are met) or human health goals, or attainment of desired capacity to plan, develop, implement, manage and sustain tribal environmental programs.
3. Please ensure that each component in your work plan contains one or more capacity indicators that appropriately link to proposed commitments. Capacity indicators should be placed in the "Measures" section of each component (or simply at the component level for PPGs), or at the bottom of commitment descriptions. More information on the appropriate use of indicators is found on page 13 of the GAP Guidance. A suite of indicators that the Rancheria may consider for inclusion in its work plan is contained in Appendix I of the GAP Guidebook
4. Greening Grants Policy: EPA Region 9 has adopted a Greening Grants Policy which encourages grantees to carry out their EPA grant funded projects in a greener way. Your Project Officer will work with you to determine whether it is feasible to incorporate green practices into your work plan. The Greening Grants Policy includes an attachment which describes many useful green practices. The policy furthers the objectives of EPA's 2011-15 Strategic Plan. The link to Greening Grant Policy is on the Region 9 Website Homepage, <http://www.epa.gov/region9/funding/greening-grants.html>
5. Regarding Indirect Costs (IDC):
  - Resighini is allowed to budget against their most recent IDC rate because it has been approved within the preceding three fiscal years. However, the Rancheria cannot request reimbursements for indirect costs until a current IDC agreement is in place. If the Rancheria's IDC rate is not current at the time of grant award, a term and condition will be placed in the grant agreement

requiring Resighini to notify the EPA and pay back any overfunded amounts that may have been reimbursed, if necessary.

### **BUDGET COMMENTS**

- Please provide a final budget and work plan that matches the amount of funds being offered.
- The funding we are offering is intended to provide Resighini an opportunity to support a Resighini EPA Director for 1,768 hours (.85 FTE) and an Environmental Assistant (EA) for 1,352 hours (.65 FTE). Funds are also expected to provide \$5,250 to support travel needs. If the Rancheria anticipates they will not be able to submit a final budget that matches our expected level of support in the personnel and travel cost categories, please contact your Project Officer to discuss alternatives.

### **WORK PLAN COMMENTS**

#### **General Comments**

1. Many of the work plan commitments are less than firm and need more detail. Please strengthen commitments by increasing the level of specificity and quantifying efforts to the extent possible. One of the benefits of developing work plans is to be able to anticipate what activities will happen when, how the Tribe needs to prepare and plan for the activities, etc.
- The proposed component cost is about 30% of the total proposed budget. This seems too high. Program administration costs are typically five to ten percent of the total budget.

Commitment 1.1 The cost estimate for the commitment is very high (\$37,168). Please list some of the activities the Program Director will undertake. Quantify the efforts (e.g., convene and facilitate ~ 48 weekly staff meetings) to the extent possible.

Commitment 1.2 This one looks great.

Commitment 1.3 Quarterly expenditure summaries are required along with Resighini's quarterly progress reports. To be most useful to the Rancheria and REPA Director, the reports should show the original budget (all line items), quarterly expenditures for each line item and cumulative expenditures for each line item. Federal Financial Reports (FFRs) are due once per year and should indicate expenditures for a one year period (10/01/15 – 09/30/16 in this case).

Commitment 1.4 This one looks good.

#### **Component 2. Program Funding**

- This component has a huge amount of overlap with Component 1. Please remove the component from the work plan or refine it to avoid overlap with Component 1. The component title suggests it will focus on funding pursuits, but it currently focuses on program administration.

#### **Component 3. Staff Travel and Training**

Commitment 3.1 The commitment focuses on funding pursuits and is likely intended to fit under Component 2. More detail is needed here. Specific grants (GAP, for instance) can be mentioned. GAP funds may not be used to pursue CWA S106 funding, because Resighini has had that grant for a long time and would be expected to write the grant using CWA S106 funds. However, the Rancheria can use GAP funds to write a CWA S319 proposal and other environmental protection grants the Tribe has never received before.

#### **Component 4. Indoor Air Quality**

- All the commitments seem eligible and Resighini seems to be on the right track as far as training staff and reaching out to the community.
- Please work with your Project Officer to arrange a conversation with EPA indoor air quality specialists. They will help the Tribe refine this component so it puts the Rancheria on a trajectory to develop a comprehensive indoor air quality program, which appears to be the Tribe's intent.
- Please add a commitment to develop an indoor air quality program development plan. The plan would help Resighini conceptualize the steps needed to develop a comprehensive program, properly sequence program development, estimate funding needs, etc.
- At least two other Tribes (Pit River and Fort Bidwell) will be pursuing development of indoor air quality programs. Please consider working with the EPA and those tribes in an attempt to synergize your efforts, develop useful partnerships, etc. The EPA may be able to assist all three tribes at the same time, for some aspects of program development.

Commitment 4.1 This commitment looks fine.

Commitment 4.2 This commitment is worthwhile. However, it should be initiated after the Tribe has had a chance to obtain assistance from EPA indoor air quality experts and to complete an indoor air quality program development plan. If this commitment is properly sequenced, staff will have a lot of knowledge and guidance to share with the Community.

Commitment 4.3 This looks good. If travel funds offered for this work plan are not sufficient to cover the commitment, Resighini can request use of Regional Tribal Operations Committee travel funds.

Commitment 4.4 This commitment looks fine.

#### **Component 5. Interagency Communication**

- All the commitments seem eligible, but more detail is needed for each, in most cases.

Commitment 5.1 The commitment looks fine.

Commitment 5.2 Please list additional groups the Rancheria will be engaging with, and what types of issues the Tribe is likely to address or monitor.

Commitment 5.3 Please provide examples of what the Rancheria can reasonably expect to notify other agencies about. This commitment can probably be incorporated with 5.2

Commitment 5.4 More detail is needed here. Please identify at least two topics the Rancheria can reasonably expect to cover.

#### **Component 6. Community Outreach**

Commitment 6.1 Please mention a minimum number of meetings this will entail, based on the Tribe's experience. All commitments should quantify anticipated efforts to the extent possible. When precise quantification is not possible, minimum levels of effort should be estimated.

Commitment 6.2 Nice job articulating a minimum level of effort (semi-annual meetings). The final work plan should indicate specific topics that will be covered during each meeting, when the meetings will be held, etc. In other words, the commitment must be firmed up.

Commitment 6.3 Please indicate how many newsletters and what topics will be covered. General updates on REPA activities is considered a topic, but we would appreciate the Rancheria firming up this commitment by indicating another topic or two that will be covered.

#### **Component 7. Clean Air**

Commitment 7.1 Please estimate the frequency of patrols, how long they typically take, the average number of warnings and (or) citations issued annually, etc.

#### **Component 8. Solid Waste**

- Our records indicate the Rancheria Integrated Solid Waste Management Plan was approved in 2007. We recommend the Rancheria consider reviewing the plan and updating it to ensure it reflects current programs, issues and initiatives.

Commitment 8.1 More detail is needed. Please see General Comments 1

Commitment 8.2 If any of the dumping that is discovered would qualify as an open dump, survey forms must be filled out and shared with the EPA before they are cleaned. Resighini has done a great job cleaning up the Rancheria and we suspect most of the sites cleaned by the EA are very small and must be cleaned up on the spot, to deter further dumping. If this is not the case, please discuss this task with your Project Officer.

#### **Component 9. Updating Core Legal Capacities**

Commitment 9.1 Please provide more detail by listing the specific ordinances that will be reviewed and updated.